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Federal Communications Commission

DA 98-620

DISPATCHED
Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	CC Docket No. 97-250
Tariffs Implementing Access Charge Reform)	
)	
BellSouth Telecommunications, Inc.)	Transmittal No. 450
Revisions to Tariff F.C.C. No. 1)	
)	
Frontier Telephone of Rochester, Inc.)	Transmittal No. 4
Revisions to Tariff F.C.C. No. 1)	

MEMORANDUM OPINION AND ORDER

Adopted: April 2, 1998

Released: April 2, 1998

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

I. INTRODUCTION

1. On December 30, 1997, the Common Carrier Bureau (Bureau) initiated an investigation into the provisions contained in incumbent local exchange carrier (LEC) access charge reform tariffs.¹ On January 28, 1998, the Bureau designated the specific issues for investigation in this proceeding in a separate order.² On March 19, 1998, BellSouth Telecommunications, Inc., (BellSouth) and Frontier Telephone of Rochester, Inc., (FTR) filed the above transmittals to revise their interstate access service tariffs. BellSouth's transmittal corrects errors made in their exogenous cost changes filed in this proceeding and revises certain rates within price cap limits. FTR's transmittal proposes revisions to reflect their modified universal service fund (USF) support obligations resulting from the Commission's issuance of Second Quarter 1998 USF contribution factors. FTR's transmittal also corrects certain clerical errors and updates the list of concurring carriers to reflect organizational changes and the relocation of the primary business office for some carriers. We have no record of the receipt of any petitions filed against these tariff transmittals to date.

II. DISCUSSION

2. These transmittals raise issues that were designated for investigation in the *Access Charge Reform Tariffs Designation Order*. Therefore, we suspend these transmittals for one day, following the currently scheduled effective date, and make these transmittals subject to the investigation initiated in the *Access Charge Reform Tariffs Suspension Order*.

¹ *Tariffs Implementing Access Charge Reform*, CC Docket No. 97-250, Memorandum Opinion and Order, 13 FCC Rcd 163 (Com. Car. Bur., 1997) (*Access Charge Reform Tariffs Suspension Order*).

² *Tariffs Implementing Access Charge Reform*, CC Docket No. 97-250, Order Designating Issues for Investigation and Order on Reconsideration, DA 98-151 (Com. Car. Bur., rel. Jan. 28, 1998) (*Access Charge Reform Tariffs Designation Order*).

3. At the conclusion of the investigation, the rates that are the subject of this suspension order may be subject to the special, two-way adjustment mechanism described in the *Access Charge Reform Tariffs Suspension Order*, for the reasons stated therein.³ We therefore put customers on notice that any revised rates provided in the transmittal suspended for one day by this order are provisional rates. If these provisional rates are found at the conclusion of the investigation initiated by the *Access Charge Reform Tariffs Suspension Order* to be below a just and reasonable level, we may allow carriers prospectively to charge higher rates for some elements to reflect the fact that they were charging less than would have been permitted for those elements during the pendency of the investigation. If these provisional rates are found at the conclusion of the investigation initiated by the *Access Charge Reform Tariffs Suspension Order* to be above those permitted by our rules, and thus unreasonably high, we may require the LECs to make refunds to their customers. It is also possible that, in some cases in which the same customer has paid both charges that were found to be too high and charges that were found to be too low, refunds could be offset by amounts allowed for recoupment.

III. EX PARTE REQUIREMENTS

4. This investigation is a permit-but-disclose proceeding and subject to the permit-but-disclose requirements under Section 1.1206(b) of the rules, 47 C.F.R. § 1.1206(b), as revised. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b), as well.

IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the tariff revisions filed by BellSouth Telecommunications, Inc., and Frontier Telephone of Rochester, Inc., ARE SUSPENDED for one day from the effective date and an investigation of the referenced tariff transmittal IS INSTITUTED AND CONSOLIDATED in CC Docket No. 97-250.

6. IT IS FURTHER ORDERED that BellSouth Telecommunications, Inc., and Frontier Telephone of Rochester, Inc., SHALL FILE, within five business days of the release date of this Order, tariff revisions to reflect the one day suspension from the currently scheduled effective date of April 3, 1998. These carriers should cite the DA number of the instant Order as the authority for this filing.

7. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that

³ *Access Charge Reform Tariffs Suspension Order* at §§ 7-8.

BellSouth Telecommunications, Inc., and Frontier Telephone of Rochester, Inc., SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the provisions that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script that reads "Jane E. Jackson".

Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau